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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7599 01/27/2004
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EXAMINER

RAGGURI, UMAKANT K

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,978

Examiner

Umaikant K. Rajguru

Applicant(s)

SHIPPING, MA

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within this set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. A RCE has been filed on September 4, 2003.

An amendment has been filed on September 4, 2003.

2. Claims under examination are 1-21.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, 4-11, 16-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 6,184,312) in view of Fuhr et al (US 5,658,974).

5. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 6,184,312) in view of Fuhr et al (US 5,658,974) as applied to claims 1 and 18 resp. above, and further in view of JP 58,076,447 (Abstract in English).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 6,184,312) in view of Fuhr et al (US 5,658,974) as applied to claim 1 above, and further in view of Wittmann et al (US 5,030,675).

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 6,184,312) in view of Fuhr et al (US 5,658,974) as applied to claim 1 above, and further in view of Umeda et al (US 5,449,710).

8. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US 6,184,312) in view of Fuhr et al (US 5,658,974) as applied to claim 1 above, and further in view of Choi et al (US 5,087,521) or Narushima et al (US 3,948,836).

Please refer to prior Office actions for substance of these rejections.

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9. Applicant's arguments filed September 4, 2003 have been fully considered but they are not persuasive.

On page 8 (of above remarks) the applicant states, in short, that there is no modification to combine phosphoric ester of Fuhr with the composition of Yamamoto since there may not be any reduction in burn time. This statement is not persuasive. Fuhr in column 2, lines 17-20, teaches that such a composition results in self-extinction without production of burning droplets. Hence contrary to what the applicant states there is an expectation of achieving some advantage/s in utilizing the combination.

10. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is (571) 272-1077. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1201.


U.K. Rajguru/dh
January 15, 2004


James Seidleck
Supervisor
703 872 9306